

HOUSE No. 802

By Mr. Peterson of Grafton, petition of George N. Peterson, Jr., relative to the protection of victims of certain crimes and good samaritans. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT TO PROTECT THE VICTIMS OF CRIME.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 278 of the General Laws, as appearing in the 2002
2 Official Edition, is hereby amended by adding the following new
3 section:—

4 Section 8B. In any tort action for damages based upon personal
5 injury sustained by the plaintiff where the defendant shall furnish
6 proof by preponderance of evidence that the plaintiff's injuries
7 were sustained during the commission or attempted commission
8 of a violation of sections 1, 3, 13, 13A, 13B, 13C, 13D, 13D½,
9 13F, 13G, 13H, 13I, 13J, 13K, 14, 15, 15A, 15B, 16, 17, 18, 18A,
10 18B, 18C, 19, 20, 21, 21A, 22, 22A, 23, 24, 24B, 25, 26, 26A, 28,
11 29, 36, 37, 38, 39, 43, or 44 of chapter two hundred and sixty-
12 five, or of sections 1, 2, 5A, 14, 15, 17 or 18 of chapter two hun-
13 dred and sixty-six, and the plaintiff was convicted of or
14 adjudicated delinquent of any such offense; and then the plaintiff
15 shall be deemed to have assumed all risks of injury, whether such
16 injury was caused intentionally or unintentionally, arising from
17 the encounter with any victim or good Samaritan during the com-
18 mission or attempted commission of any such crimes, and such
19 proof shall constitute a complete defense to this action.